

REMARKS/ARGUMENTS

Claims 1, 7, 8, 10-15, 17 and 20-34 are pending in the application and are presented for reconsideration without amendment.

Review and consideration of the present arguments is requested and considered proper under 37 C.F.R. § 1.116(b)(3) because in the Office Action mailed June 21, 2007, the Examiner cited new art. In the interest of furthering prosecution of the application, the Applicant should be afforded the opportunity to present to the Examiner arguments as to why the claims are allowable over the newly cited art.

In the Action mailed June 21, 2007, claims 1, 10-15, 17, 24, 25, and 32-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Roses* (U.S. Publication No. 2003/0055871 A1) in view of *Jogo* (U.S. Publication No. 2001/0048447 A1) and *Garrett et al.* (U.S. Patent 5,557,728, hereinafter “Garrett”); claims 20-23, 26-29, 30, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Roses* in view of *Jogo*; and claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Roses* in view of *Jogo* as applied to claim 20 and further in view of *Wang et al.* (U.S. Patent 6,028,603).

As discussed below, the pending claims are not anticipated by the cited references and are believed to be in condition for allowance.

Looking first at the cited references, *Roses* teaches a system allowing a user to first select a product template group (element 405 in FIG. 4, [0033]), then select a product template from the selected template group (element 410 in FIG. 4, [0034], FIG. 5, [0042]) and then select a desired image (element 415 in FIG. 4, [0035], FIG. 6, [0043]) from a pre-filled image basket 1200 for incorporation into the template to create a product design is described. To place an image from the user image basket 1200 into a document, *Roses* provides navigation buttons 609 to sequentially navigate through images available in the user’s image basket 1200, and provides the Preview

button 604 to actually trigger the selection of a particular image to generate a preview of the selected image in the preview area 602 of the user's document.

Roses does not teach or suggest "retaining a plurality of image *groups* having one or more associated selection criteria, each image group containing at least a plurality of images that are *cropped versions of a base image, each cropped version being sized to correspond to one of the plurality of container sizes*" as recited in Applicant's **Claim 1**. First, Roses does not teach or suggest that the images in the image basket database 214 are retained in image *groups* organized according to any selection criteria. In Roses, images are stored in the image basket database 214, as exemplified in FIG. 12 of Roses. A user may place images into an image basket using the button 1226 and may view images selected for purchase in the preview area 1216 of the image basket web page 1200 of FIG. 12. Each image in the image basket is presented to the user as a preview image 1216 and a description 1218. However, Roses is silent on how the images are actually stored in the image basket database 214, and is likewise silent on the means by which images are added to the image basket database other than by way of clicking on the add images button 1226.

In contrast, Applicant's recited Claim 1 requires that the retained images are retained in image *groups*. Specifically, as shown in Applicant's FIG. 8 and described in paragraphs [0039]-[0041], the images in the image memory 113 (also shown in Applicant's FIG. 1) are stored in image groups, each group including "one or more associated selection criteria" and "at least a plurality of images that are cropped versions of a base image, each cropped version being sized to correspond to one of the plurality of container sizes". For example, as exemplified by the representative image group 800 shown in Applicant's FIG. 8, an image group includes an Image Group ID 801, a Color Scheme ID 802, a plurality of images 803 each of which is or is a variation of a base image 805, and a number of keywords 804 that are associated with the images 803. Roses does not disclose this, and in fact is completely silent on how images are stored in the image basket database 214.

Further, *Roses* actually teaches away from Applicant's recited "retaining a plurality of image *groups* having one or more associated selection criteria, each image group containing at least a plurality of images that are cropped versions of a base image, each cropped version being sized to correspond to one of the plurality of container sizes". As shown in FIG. 6 and described in paragraph [0043] of *Roses*, *Roses* provides navigation buttons 609 which allow the user 125 to navigate through images in the image basket. The user 125 selects attributes (e.g., scaling, cropping, conventional image filtering, and the like) for an image in an attributes area 612. When the attributes are set, a "Place Image" button is pressed to place the image in the position selected in the image placement area 606. A warning area 614 displays warning messages when appropriate. For example, warnings, such as "image does not fit in selected area" and the like may be displayed in the warning area 614. If *Roses* actually stored images in the image basket database in image groups comprising a plurality of variations of a base image corresponding to image containers of different sizes, *Roses* would never need to display warning messages such as "image does not fit in selected area" in a warning area of the document creation web page.

Roses also does not teach or suggest any aspect of the limitation "in response to the receipt of at least one selection criterion, identifying an image group associated with the received selection criterion, selecting an image from the identified image group having a size corresponding to the size of an image container in a selected layout, and placing the selected image in the image container of the layout" of Applicant's Claim 1.

Jogo does not make up for the deficiencies of *Roses* in meeting Applicant's Claim 1. *Jogo* discloses an image cropping and synthesizing apparatus whereby selection of a template displays a crop boundary. The crop boundary is variable in size while keeping the same shape and being centered on a reference point. (*Jogo*, Abstract). *Jogo* is directed entirely to the implementation of the cropping tool and discloses nothing about image storage. In fact, *Jogo* discloses that all image data comes directly from scanners 14, 15 or directly from a client (*Jogo*, [0035] and

[0036]), which is converted by image data converter 23 to perform color-coefficient and gradation correction (Jogo, [0037] and [0038]), and then processed by the image processing software (Jogo, [0041] and [0042]). Jogo does not teach storing any images, and certainly not in groups comprising a base image and related variations of the base image. Thus, Jogo does not meet the limitation “retaining a plurality of image *groups* having one or more associated selection criteria, each image group containing at least a plurality of images that are cropped versions of a base image, each cropped version being sized to correspond to one of the plurality of container sizes” of Applicant’s Claim 1 that is missing from Roses.

On page 4 of the present Office Action, the Examiner contends that in Jogo, “the image” (referring to a “cropped image”) “is part of a group of images where the group consists of the different crop sizes related to the different container size”. The Applicant respectfully disagrees. In Jogo, the crop boundary 98 is merely a frame with a line boundary that may be adjusted to center it on the head of a subject in the image. The contents of the portion of the image 80 that is displayed to the user as being within the crop boundary are never stored separate and apart from the image data of the full image 80. As described in paragraphs [0077] and [0078] of Jogo, in order to paste the contents of the portion of the image shown within the crop boundaries into a template, Jogo must feed three components into the the image synthesizing section 24: (1) the image data of the image 80, (2) the image data of the crop reference lines 98, and (3) the image data of the template 93. (Jogo, paragraph [0077]). The image synthesizing section 24 extracts image data of the cropping area of the image 80, expands or compresses the extracted image data to enlarge or reduce the cropped image in accordance with the size of each frame 93a of the template 93 (Jogo, paragraph [0077]), and then synthesizes the image data of the template 93 such that the cropped image is pasted in the respective template frames 93a (Jogo, paragraph [0078]). At no time is the cropped image actually preserved separate and apart from the image 80 itself, or from the resulting “combined template with cropped images”. Furthermore, the crop boundary is merely a visual indicator on the user

display to show the user where the image 80 will be cropped by the synthesizer. No image data is stored or associated with the crop boundary 98. Both the entire image 80 and the crop boundary 98 (and also the template 93) are merely inputs to the synthesizing section 24, which utilizes the inputs to generate a final output image. Jogo does not ever generate or receive “a plurality of images that are cropped versions of a base image”. Accordingly, the Applicant respectfully disagrees with the Examiner’s contention that the crop boundary having its aspect ratio locked to the image frame and laid over the image 80 is the equivalent of Applicant’s recited “a plurality of images that are cropped versions of a base image, each cropped version being sized to correspond to one of the plurality of container sizes”.

Jogo also does not teach the limitation “in response to the receipt of at least one selection criterion, identifying an image group associated with the received selection criterion, selecting an image from the identified image group having a size corresponding to the size of an image container in a selected layout, and placing the selected image in the image container of the layout” as recited in Applicant’s Claim 1 and which is missing from *Roses*. Per the above discussion of Jogo in which it was explained that Jogo does not anywhere teach “an image group” in accordance with Applicant’s recited Claim 1, Jogo therefore also does not teach “identifying an image group” or “selecting an image from the identified image group”. Thus, Jogo does meet this limitation.

Garrett does not make up for the deficiencies of *Roses* and Jogo in meeting Applicant’s Claim 1. *Garrett* discloses a system for processing data representing stored images so that a set of said stored images can be represented simultaneously on an output medium having a specified area in such a way that more effective use of the output area is made. The set of stored images to be displayed comprise the set of images resulting from a keyword search on an image database.

Garrett is cited by the Examiner only for disclosing using a standard keyword search on an image database in order to retrieve images. However, like *Roses* and Jogo, *Garrett* also does not teach or suggest “retaining a plurality of image groups

having one or more associated selection criteria, each image group containing at least a plurality of images that are cropped versions of a base image, each cropped version being sized to correspond to one of the plurality of container sizes” or “in response to the receipt of at least one selection criterion, identifying an image group associated with the received selection criterion, selecting an image from the identified image group having a size corresponding to the size of an image container in a selected layout, and placing the selected image in the image container of the layout.

Wang does not make up for the deficiencies of either *Roses*, *Jogo*, or *Garrett* in meeting Applicant’s Claim 1. *Wang* discloses methods for presenting a collection of digital media in a media container. *Wang* is cited by the Examiner only for teaching scaling an image to fit into a picture slot, and teaches nothing about image storage, and in particular, image groups as recited in Applicant’s Claim 1. Accordingly, *Roses*, *Jogo*, and *Garrett*, cannot even be combined with *Wang* to meet Applicant’s Claim 1.

Because none of *Roses*, *Jogo*, *Garrett*, or *Wang*, taken either alone or in any combination, teach the limitations “retaining a plurality of image groups having one or more associated selection criteria, each image group containing at least a plurality of images that are cropped versions of a base image, each cropped version being sized to correspond to one of the plurality of container sizes” and “in response to the receipt of at least one selection criterion, identifying an image group associated with the received selection criterion, selecting an image from the identified image group having a size corresponding to the size of an image container in a selected layout, and placing the selected image in the image container of the layout”, *Roses*, *Jogo*, *Garrett*, or *Wang*, taken in any combination, do not make a prima facie case of obviousness of Applicant’s Claim 1 under 35 U.S.C. 103(a).

Claims 10-14 and 32 depend on independent Claim 1 and add additional limitations. Claims 10-14 and 32 are believe allowable for at least the same reasons that Claim 1 is not obvious over *Roses*, *Jogo*, *Garrett*, and *Wang*, taken in any combination.

Independent *Claims 15 and 17* recite similar limitations to Claim 1, including the limitations “a plurality of image groups ..., each image group containing at least a plurality of images that are cropped versions of a base image, each cropped version being sized to correspond to one of the plurality of container sizes” and “selecting an image from the identified image group having a size corresponding to the size of an image container in a selected layout, and placing the selected image in the image container of the layout” missing from the cited references. Accordingly, the Applicant respectfully submits that Claims 15 and 17 are allowable for the same reasons that Claim 1 is allowable over the cited references.

Dependent *Claim 10* is believed allowable on independent grounds because none of the references teach or suggest the limitation “wherein each retained image group is associated with a retained color scheme, wherein on image container in each layout is the dominant image container, and where the color scheme associated with the image in the dominant image container of a layout controls the color scheme used in the product design.” The Examiner cites *Roses* as teaching the template’s general information comprising color scheme. Importantly, however, in *Roses*, the color scheme is associated not with an image group (or even with a single image), but with a template. In contrast, Claim 10 recites an “image group” “associated with a retained color scheme”. In addition, *Roses* teaches nothing about a “dominant image container” whose color scheme controls the color scheme of the product design itself. Accordingly, neither *Roses* nor any of the other cited references meets the limitations of Applicant’s Claim 10.

Dependent *Claim 12* is believed allowable on independent grounds because none of the references teach or suggest the limitation “wherein at least one received selection criterion is the desired number of images in the layout and wherein at least some of the plurality of retained layouts have a number of image containers corresponding to the desired number of images.” The Examiner cites *Roses* as teaching the template may include areas having fixed images and areas for placing selected images. However, in *Roses*, it is the user who selects the template and not

the computer-implemented product design method as recited in Applicant's Claim 10. In Applicant's recited Claim 10, the computer-implemented method automatically identifies a number of image groups in the amount of at least the desired number of images in the layout. Roses does not associate a "desired number of images in the layout" with any image group. Accordingly, neither Roses nor any of the other cited references meets the limitations of Applicant's Claim 12.

Independent *Claims 20, 33 and 34* recite limitations including "selecting an image from a plurality of retained images, the selected image having associated therewith a plurality of cropping instructions, each of the plurality of instructions containing the information to create a cropped version of the selected image corresponding to the size of an image container" and "using the cropping instructions to create a cropped version of the selected image corresponding to the size of an image container in the selected layout". None of the cited references teach retaining an image and associated cropping instructions. Accordingly, the Applicant respectfully submits that Independent Claims 20, 33 and 34 and dependent Claims 7-8, and 21-31 are allowable for this reason and for the same reasons that Claim 1 is allowable over the cited references.

Conclusion

In view of the above comments, it is believed that all pending claims are now in condition for allowance and favorable action on Claims 1, 7, 8, 10-15, 17 and 20-34 is respectfully requested.

If any additional fee is required by this amendment, the fee may be charged to Deposit Account No. 502765.

Respectfully submitted,

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